

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CRAIG LEROY ATKINS,

Petitioner,

vs.

CIVIL CASE NO. 07-10547
HON. LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE STEVEN WHALEN

SEETHA VADLAMUDI et al.,

Respondents.

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ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

This matter comes before the Court on Petitioner's Motion for Reconsideration, filed on April 1, 2008 [dkt 29]. Petitioner challenges the Court's March 18, 2008, Opinion and Order adopting Magistrate Whalen's Reports and Recommendations, denying Petitioner's Motion for Default Motion and granting Defendants' Motion for Summary Judgment. Pursuant to E.D. Mich. L.R. 7.1(g)(2), no response is permitted.

Local Rule 7.1(g)(3) governs motions for reconsideration, stating that "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. Mich. L.R. 7.1(g)(3). The same subsection further states, "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." *Id.*

Petitioner alleges that the Court's Opinion and Order contained a palpable defect; namely, that neither Magistrate Whalen's Report and Recommendation nor this Court's Opinion and Order addressed "the controlling law of *Youngberg v. Romeo* . . . wherein the Supreme Court pronounced the 'professional judgment' standard." By his own admission, Petitioner argued the same

Youngberg standard in “his brief in opposition to Defendants’ motion for summary judgment and in his objection to the Magistrate Judge’s Report and Recommendation.” Therefore, the Court finds that Petitioner raises the same issues that were considered either directly or by reasonable implication in Magistrate Whalen’s Reports and Recommendations that the Court adopted on March 18, 2008. Therefore, Petitioner’s Motion for Reconsideration is HEREBY DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 18, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290